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ABSTRACT

This leaflet presents general information about legislation that affects women when they are seeking a job, while they are on the job, and when they retire. Emphasis is on Federal laws as of November, 1978. Some of the topics include employment services, protection against sex and age discrimination, minimum wages and overtime pay, discrimination in promotion, joining or not joining a union, and social security benefits. Also included is a list of sources to use when assistance from State or Federal agencies is necessary, as well as sample complaint forms. (PJC)

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A Working Woman's Guide To Her Job Rights

U.S. Department of Labor
Ray Marshall, Secretary
Women's Bureau
Alexis M. Herman, Director
December 1978

Leaflet 55

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Foreword

Although the Federal laws described herein apply to the job rights of men as well as women, two factors highlight the need for a special publication addressed to women. One reason is the great increase in the number of women in the labor force. Within one decade—1967 to 1977—the number of women workers aged 16 and over increased by about 11.5 million, or 41 percent, when it climbed from 28.4 million to 40.0 million. The number of men workers increased by only 17 percent during this period.

Not only are there more women working than ever before, but they tend to work for longer periods of time than formerly—many for a stretch of 20 to 25 years after their children have entered school. In addition, many women in their forties and fifties returning to the labor force are unaware of their rights.

Another reason for directing a publication to women is that their legal rights related to jobs and jobseeking have been changing rapidly as new measures for legal protection have been added. Response to the original Women's Bureau publication in 1974 and to a revision in 1975 was very positive.

This leaflet presents general information about legislation that affects women when they are seeking a job, while they are on the job, and when they retire. Emphasis is on Federal laws as of November 1978. This leaflet does not include legislation which applies specifically to Federal employees. Information on the employment rights of federally employed women can be obtained from the Federal Women's Program at the U.S. Civil Service Commission (at the Office of Personnel Management as of January 1, 1979).

We wish to express our appreciation to the several agencies that offered their comments on this revision.

Alexis M. Herman
Director, Women's Bureau

Why Women Should Know Their Job Rights

Today women hold more than 2 out of 5 jobs in the civilian labor force, but the average pay of those who work full time the year round is only about three-fifths of the average for men full-time year-round workers.

A great deal of the pay differential results from the fact that women have traditionally had access largely to low-paying jobs, have often been paid less than men were paid for the same work, and have had limited opportunities. Yet now written into law, and affirmed by numerous court cases, is the provision that in the labor market men and women stand equal in opportunity for hiring, for pay when work is equal or substantially equal, for advancement on the job, and for retirement benefits. Federal laws covering this wide range of benefits are highlighted here for guidance.

Many States also have laws in areas covered by some of the Federal legislation discussed, such as minimum wage, equal pay, and fair employment practices. These may provide more extended coverage or higher benefits than Federal laws. To find out about your State law, write your State labor department or human rights agency (see page 26 for addresses).

How Women Can Assert Their Job Rights

Problems in getting a job or in coping with the job situation often can be resolved through discussion with personnel officers or supervisors. In many work establishments, grievance procedures are available under collective bargaining agreements and formal equal employment opportunity programs.

However, if you believe that you are being paid less than a legal wage or are the victim of discrimination prohibited by any of the laws described herein, you are entitled to file a complaint with the appropriate administrative agency. Procedures for making complaints vary—a telephone request is enough to set in motion an investigation into substandard wages or unequal pay, whereas a formal verified complaint is necessary under some antidiscrimination laws.

There are time limits on filing, *so it is important to act promptly.* Be sure to include a clear and concise statement of the facts, including dates, you think may be relevant to your complaint. Sample forms

are on pages 29–32. Compliance agency officials will help in determining any details that should be added to an initial complaint.

Addresses of compliance agencies, as well as of agencies that administer laws on retirement, disability, etc., begin on page 23.

Getting the Job

The Federal Government and many State and local governments, through laws, executive orders, and ordinances, have sought to provide enabling services if you are seeking employment, and to further assure equal access to jobs commensurate with your ability—irrespective of sex, age, religion, race, national origin, or physical or mental handicap.

Employment Services

Your local State Employment Service (ES) office provides free counseling, testing, and placement services. This joint Federal-State operation, established by the *Wagner-Peyser Act*, is also a channel for training programs under various Federal and State employment opportunity laws. These include the Work Incentive Program (WIN) authorized by the *Social Security Act* to help individuals receiving Aid to Families with Dependent Children become self-supporting and other programs under the *Comprehensive Employment and Training Act*.

Through the Job Bank, in which many local ES offices participate, information is readily available concerning openings in your State or community for a person of your skills and interests.

To locate the nearest ES office, look in the telephone directory under your State government listings, or ask at your local post office. In most States the ES offices are part of the labor or human resources department (see page 26) or a separate employment security agency.

Apprenticeships

This is an avenue into the job market which women are now being encouraged to follow. There are about 450 apprenticeable occupations in the skilled trades. When you become an apprentice, you commit yourself to a specified period of combined on-the-job and classroom work, and receive a salary with regular increases. When you complete an apprenticeship, you receive a certificate that denotes you as a journeyworker in your occupation, and you commence to receive the full journeyworker's salary. The Federal Bureau of Apprenticeship and Training, under the *National Apprenticeship Act*, works closely with employers and unions to encourage apprenticeship programs and maintain high standards. Federal regulations published in May 1978 require sponsors of programs with more than five apprentices to take affirmative action to recruit women, as well as minorities, when those groups do not have a reasonable share of the training opportunities.

Apprencticeship Information Centers have been set up in many key labor market areas. Inquire at your nearest Employment Service office about apprenticeship training, or write the Director of Apprenticeship at your State department of labor (see page 26 for address).

Protection Against Sex Discrimination

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on sex as well as on race, color, religion, or national origin. The act makes it unlawful to discriminate in hiring or firing; wages; fringe benefits; classifying, referring, assigning, or promoting employees; extending or assigning facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges of employment. As amended in 1972, it covers most employers of 15 or more employees, public and private employment agencies, labor unions with 15 or more members, and joint labor-management committees for apprenticeship and training. Indian tribes are exempt as employers. Religious institutions are exempt with respect to employing persons of a particular religion but are covered with respect to discrimination based on sex, race, color, or national origin.

Title VII is enforced by the Equal Employment Opportunity Commission (EEOC) (see page 23 for address). In jurisdictions that do not have a fair employment practices (FEP) law covering the discrimination, title VII complaints must be filed with the EEOC within 180 days of an alleged unlawful employment practice. When a complaint is filed first with a State or local FEP agency, the time limit for filing with the EEOC is 300 days. Some discriminatory acts may be considered "continuing" violations and thus not subject to the usual limits. Because of such complications, individuals who believe they have been subjected to discrimination that is unlawful under title VII should immediately contact the EEOC to ascertain their rights.

The EEOC has issued "Guidelines on Discrimination Because of Sex." The guidelines bar hiring based on stereotyped characterization of the sexes, classification or labeling of "men's jobs" and "women's jobs," or advertising under male or female headings and preference in the content of advertising based on sex. They specify that the bona fide occupational qualification exemption should be interpreted narrowly, and that State laws which prohibit or limit the employment of women in certain occupations conflict with and are superseded by title VII. Accordingly, these sex-oriented State labor laws cannot be used as a reason for refusing to employ women.

The guidelines include a provision that where State laws require minimum wage and overtime pay for women only, these benefits should be provided for male employees also. Similar provisions apply to rest and meal periods and physical facilities, but if an employer can prove that business necessity precludes providing these benefits to both men

and women, the employer shall not provide them to either sex. The guidelines declare it unlawful for an employer to discriminate between men and women with respect to fringe benefits such as medical, hospital, accident, life insurance, and retirement benefits. Benefits limited to "head of household" or "principal wage earner" are discriminatory.

Executive Order 11246, as amended, prohibits employment discrimination based on sex as well as on race, color, religion, or national origin by Federal contractors or subcontractors and on federally assisted construction contracts. Coverage includes all facilities of the contractor, regardless of whether they are being used in the performance of the Federal contract. In the case of State or local governments holding contracts, coverage is limited to the agency participating in the contract.

To ensure nondiscrimination in employment, contractors must take affirmative action in such areas as recruitment or recruitment advertising; hiring, upgrading, demotion, or transfer; layoff or termination; rates of pay or other compensation; and selection for training, including apprenticeship.

The Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor, which sets policy and regulations for implementing the Executive order, conducts compliance reviews of contractors. Since December 1971, OFCCP has required certain service and supply contractors to take specific affirmative action steps by setting written goals and timetables for recruiting, hiring, and training women as well as minorities for jobs to which they have had limited access. This has increased opportunities for women to be considered for jobs previously labeled "men only" and to be admitted to training which could accelerate promotion. OFCCP established goals and timetables for the employment of women under construction contracts also, effective May 8, 1978.

OFCCP sex discrimination guidelines provide, among other things, that contractors may not advertise for employees under male and female classifications, base seniority lists on sex, deny a person a job because of State "protective" labor laws, or make distinctions between married and unmarried persons of one sex only.

Title IX of the 1972 Education Amendments, administered principally by the Office for Civil Rights of the Department of Health, Education, and Welfare, the *State and Local Fiscal Assistance (Revenue Sharing) Act,* administered by the Office of Revenue Sharing of the Treasury Department, and the *Comprehensive Employment and Training Act,* administered by the Department of Labor, are other laws that prohibit sex discrimination in programs providing Federal financial assistance.

You have a right to complain if:

- an employer refuses to let you file an application but accepts others;

- a union or an employment agency refuses to refer you to job openings;
- a union refuses to accept you into membership;
- you are fired or laid off;
- you are passed over for promotion for which you are qualified;
- you are paid less than others for comparable work;
- you are placed in a segregated seniority line;
- you are left out of training or apprenticeship programs;

AND . . .

- the reason for any of these acts is your sex, race, color, religion, or national origin.

Protection Against Age Discrimination

The *Age Discrimination in Employment Act* prohibits discrimination on the basis of age against any person between the ages of 40 and 65 (40 and 70 effective January 1979) in hiring, firing, compensation, or other conditions of employment. The law applies to all public employers, private employers of 20 or more employees, employment agencies serving covered employers, and labor unions of more than 25 members. It does not cover situations in which age is a bona fide occupational qualification (such as modeling "junior miss" fashions), nor does it affect bona fide seniority systems. It does prohibit using employee benefit plans as a basis for refusing to hire older applicants or retiring older employees.

The law does not permit involuntary retirement of workers under 65. Effective January 1979, involuntary retirement of workers under age 70 is prohibited, with three exemptions affecting non-Federal employees over 65 (tenured college faculty, but only until July 1982; employees covered by certain collective bargaining agreements, but only until the agreement expires or January 1980, whichever is earlier; and certain senior executive and high policymaking employees).

The law is enforced by the Wage and Hour Division of the U.S. Department of Labor. A complainant's identity is never revealed without that person's knowledge and consent. Discriminating against an individual for starting proceedings under the law, opposing an illegal practice, testifying or participating in an investigation is unlawful.

The law also provides for private enforcement in the courts. In order to preserve this right to sue privately, an aggrieved person should file a written charge with the Wage and Hour Division (see page 24 for locations) within 180 days of the discrimination. The charge should name the prospective defendant and generally describe the actions alleged to be unlawful. (According to Reorganization Plan No. 1 of 1978, responsibility for enforcing the law will be shifted to the Equal Employment Opportunity Commission on July 1, 1979.)

Handicapped Workers

Employers covered by section 503 of the *Rehabilitation Act of 1973*, as amended, must take affirmative action to employ and advance in employment qualified handicapped individuals without discrimination based on their physical or mental handicap. The title covers Federal contractors and subcontractors whose contracts are in excess of $2,500.

Department of Labor regulations covering affirmative action obligations of Federal contractors and subcontractors require outreach and positive recruiting as well as individualized accommodation to the physical or mental limitation of an applicant or employee if necessary for compliance.

You have a right to complain if your employer is a Federal contractor or subcontractor and fails to provide reasonable accommodation for your handicap.

You also have a right to complain if:

- a Federal contractor or subcontractor refuses to let you file an application but accepts others;
- you are fired or laid off;
- you are passed over for promotion for which you are qualified;
- you are paid less than others for comparable work;
- you are placed in a segregated seniority line;
- you are placed in a segregated workplace;
- you are left out of training or apprenticeship programs;

AND . . .

- you believe that the reason for any of these acts is your handicap, the history of your handicap, or that you are regarded as handicapped.

If you have a formal complaint against a Federal contractor or need further information, contact the Office of Federal Contract Compliance Programs, U.S. Department of Labor (see page 23 for address).

On the Job

When you have become an employee, you are protected not only by some of the provisions of the laws already discussed but also by a number of other laws pertaining to the wages you earn, your promotion opportunities, safety and health, and several other matters described briefly below.

Minimum Wages and Overtime Pay

The *Fair Labor Standards Act* (FLSA), which is known as the Federal minimum wage and hour law, now covers the great majority of workers. However, casual babysitters and companions for the aged and infirm; executive, administrative, and professional employees; outside salespeople; employees of certain small, local retail or service establishments; and some agricultural workers are still exempted by

the law from both minimum wage and premium pay for overtime provisions. (Extension of these provisions to State and local government workers in areas of traditional governmental functions was declared unconstitutional by the U.S. Supreme Court.)

In 1978 the minimum hourly rate for all covered workers is $2.65 for the first 40 hours each week (workers in some States benefit from higher rates under State law). Under certain conditions lower rates may be paid to learners, apprentices, handicapped workers, and full-time students.

Most covered workers are entitled to 1½ times their regular rate of pay for hours in excess of 40 a week. However, the law does not require premium pay for overtime for covered agricultural workers, live-in household workers, taxicab drivers, and employees of motor carriers, railroads, and airlines. Hospitals, nursing homes, and rest homes may compute overtime after 8 hours a day or 80 hours in a 14-day period.

The law permits lodging, board, or other facilities provided by an employer to be considered as part of wages. Also, tips actually received and retained may be counted for up to 50 percent of the minimum. The tip credit can be claimed only for workers who are engaged in an occupation in which they customarily and regularly receive tips of more than $30 a month. Beginning in 1979 the allowable credit will be reduced to 45 percent of the minimum rate, and there will be a further reduction to 40 percent in 1980.

The minimum hourly wage for all workers covered by the Federal law will rise to $2.90 on January 1, 1979, and to $3.10 and $3.35 beginning January 1 of the two succeeding years.

Amendments in 1977 expanded somewhat the size of certain enterprises that are totally exempt from the FLSA. Workers in a store affected by the change from the $250,000 a year volume test to $275,000 on July 1, 1978, are not to suffer a reduction in wages or loss of overtime compensation; however, they will not benefit from any increases in the minimum rate that take effect in 1979, 1980, or 1981. If you work for a small retail or service establishment that is not covered by the Federal law, check whether the store is covered by a State minimum.

Equal Pay

The *Equal Pay Act of 1963* amended the FLSA to prohibit unequal pay for men and women who work in the same establishment and whose jobs require equal skill, effort, and responsibility. Differentials based on a seniority or merit system or on a system that measures earnings by quantity or quality of production are permitted. Employers may not reduce the wage rate of any employee in order to eliminate illegal wage differentials.

In addition to covering employees subject to the minimum wage requirements of the FLSA, the law applies to State and local government employees; executive, administrative, and professional employees; and outside salespeople.

A number of court cases have established that jobs need be only substantially equal, not identical, in order to be compared for purposes of the act. The law is interpreted as applying to "wages" in the sense of all employment-related payments, including overtime, uniforms, travel, and other fringe benefits.

If you have a complaint, send it to the nearest Wage and Hour Division (see page 24 for locations). It is illegal to fire or discriminate against employees exercising their rights under the law. (According to Reorganization Plan No. 1 of 1978, responsibility for enforcing the Equal Pay Act will be shifted to the Equal Employment Opportunity Commission on July 1, 1979.)

Discrimination in Promotion

It is a violation of both title VII of the Civil Rights Act of 1964, administered by the EEOC, and the Executive order for Federal contractors, administered by OFCCP, to deny equal opportunity for promotion. Under both, employers must recruit, train, and *promote* persons in all job classifications without regard to sex, race, color, religion, or national origin. They must insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotion opportunities. Under the affirmative action order for service and supply contractors, the employers are required to set goals and timetables for promoting minorities and women. If you have a complaint of discrimination in promotion, send it to EEOC or OFCCP (see page 23 for addresses).

In addition, the laws prohibiting discrimination against workers on the basis of age (page 5) and physical or mental handicap (page 6) protect promotion rights of these employees.

Garnishment

Garnishment is the procedure whereby the earnings of a debtor are withheld in order to pay creditors.

The *Federal Wage Garnishment law*, enforced by the Wage and Hour Division of the U.S. Department of Labor, limits the amount of your disposable earnings which may be subject to garnishment. "Earnings" are defined as compensation paid or payable for personal services, whether called wages, salary, commission, or bonus, and include pensions and retirement pay. "Disposable earnings" are earnings remaining after the required withholding tax deductions are made.

Under the Federal law, the maximum part of the total disposable earnings of an individual which is subject to garnishment in any

workweek may not exceed the lesser of: (a) 25 percent of the disposable earnings for that week or (b) the amount by which disposable earnings for that week exceed 30 times the basic Federal minimum hourly wage prescribed by the FLSA (see page 7).

Restrictions on the maximum amount that may be garnished do not apply to bankruptcy court orders and debts due for State or Federal taxes. However, as of June 1, 1977, restrictions are set on amounts that may be withheld for child support and alimony. The amount which may be withheld depends upon the amount of disposable earnings, whether the garnishee is supporting a spouse or dependent child other than the person for whom the support order is entered, and how much time has expired since the period for which the support payments were due.

If any provision of a State law subjects less of an individual's earnings to garnishment than does the Federal law, it will be the one that is applied under a garnishment order.

Protection From Discharge.—The Federal Wage Garnishment law protects you from discharge because of garnishment for any one indebtedness. One indebtedness means a single debt regardless of the number of levies made or the number of proceedings brought for its collection.

If a creditor joins several debts in a court action and obtains a judgment and writ of garnishment, it is considered one indebtedness; or, if several creditors combine their debts in one garnishment, it is considered one indebtedness. In the case of tax liens, several levies to collect a single tax delinquency are treated as one indebtedness, but each specific court order for the payment of arrears in child support or alimony is considered a separate indebtedness.

Firing an employee because of garnishment for the second indebtedness in a year is not a violation of the law. However, the law does not exempt an employer from complying with a State law that prohibits discharge because of garnishment.

Maternity Leave

Under guidelines issued by OFCCP, Federal contractors must grant a reasonable leave of absence for childbearing. You must be reinstated to your original job or to a position of like status and pay without loss of service credits when you decide to return within a reasonable time following childbirth.

Since 1972, EEOC sex discrimination guidelines have stated that employers covered by title VII should treat disabilities caused by pregnancy and childbirth as other temporary disabilities were treated. Following a ruling by the U.S. Supreme Court that title VII did not require employers to grant normal disability benefits to pregnant workers, Congress moved to incorporate the basic EEOC position into the

law. Thus, Public Law 95-555, approved October 31, 1978, amended title VII to ban discrimination based on pregnancy.

The law does not require employers to start new programs or to treat pregnant workers in any particular manner. It does require that women affected by pregnancy, childbirth, or related medical conditions *be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.*

The amendment does not require employers to pay for health insurance benefits for abortions, except where the life of the mother would be endangered or where medical complications have arisen from an abortion. On the other hand, it does not preclude employers from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion. Employers may not fire or refuse to hire a woman simply because she has exercised her right to have an abortion.

The amendment was effective immediately with respect to certain *employment policies.* Accordingly, if your employer is subject to title VII, you cannot be refused employment because of pregnancy; you cannot be terminated because of pregnancy; you cannot be forced to go on leave at an arbitrary point during pregnancy if you are still able to work; and you cannot be penalized because of pregnancy in reinstatement rights, including credit for previous service and accrued retirement benefits, and accumulated seniority.

Employers were given 180 days from the approval date of P.L. 95-555 to come into compliance with requirements with respect to *fringe benefits.* Meanwhile, pregnant workers in a number of States are entitled to benefits under statewide temporary disability insurance laws, special sections of fair employment or labor codes, and regulations or court decisions interpreting statutory bans on sex discrimination in employment. You can check with the appropriate agencies listed on page 26 as to your rights to fringe benefits under State laws.

Also, since courts have generally upheld EEOC with respect to pregnancy discrimination in mandatory leave, termination, reinstatement, etc., you should check with the EEOC (see address on page 23) if you believe you suffered such discrimination *even before the new law was approved.*

Tax Credit for Child Care and Household Help

Since 1954 a deduction (subtracted from gross income before computation of the income tax) has been authorized for child and dependent care. The *Tax Reform Act of 1976* replaced the deduction with a tax *credit* (subtracted directly from taxes owed), effective with the 1976 taxable year.

You may take a credit of up to 20 percent of actual expenses for dependent care, provided the expenses are incurred to enable you to be

gainfully employed. The maximum amount creditable for such expenses is $2,000 for the care of one qualifying dependent (that is, a direct credit of $400) and $4,000 for the care of two or more qualifying dependents (that is, a direct credit of $800).

As with the earlier law, the expenses must be for services in your home, except that you can take a credit for out-of-home care for a dependent under age 15.

The credit is available to all eligible taxpayers regardless of: the gross income of the family, whether or not they itemize deductions, and which tax form they file. It is available to married couples if either or both spouses work full and/or part time, to single working parents, and to full-time students with working spouses. To claim the credit, married couples must file a joint return. In the case of part-time workers, the amount of qualified expenses (those on which the 20 percent credit is figured) is limited to the earnings of the spouse with the lower income. The earned income limit is equally applicable to unmarried taxpayers.

The credit is also available to a divorced or separated parent having custody of a child under age 15 for more than one-half of the calendar year, even though the other spouse may be entitled to claim the personal exemption for a dependent child; and a deserted spouse may claim the credit if the deserting spouse is absent for the last 6 months of the taxable year.

Child care payments to relatives, including those living in the same household, now qualify for the credit, provided that the relative is not the taxpayer's dependent and further that the relative's wages are subject to social security taxes.

Effective for taxable years beginning after December 31, 1978, the Revenue Act of 1978 will permit a taxpayer to claim the credit for wages paid to certain related individuals for child care without requiring that these wages be subject to social security taxes. This will apply to payments, for example, to a grandparent, sister, aunt, niece, or nephew so long as he or she is not a dependent of the taxpayer. However, no credit is allowable for payments made to a child of the taxpayer under age 19.

For purposes of simplification, the new credit is computed on an annual basis. For that reason, the entire $2,000 or $4,000 amount of qualifying expenses on which the credit is computed is available to eligible taxpayers having the appropriate number of dependents at any time during the taxable year.

Occupational Safety and Health Protection

The *Occupational Safety and Health Act of 1970* is designed to ensure safe and healthful working conditions throughout the Nation. It

covers every employer in a business affecting commerce, except where the workplace is covered under a special Federal law such as those for the mining and atomic energy industries. Federal employees are covered by an Executive order, and State and local government employees may be covered by the State, operating under a plan approved by the Federal Government. The law encourages States to operate occupational safety and health programs by providing grants for those whose plans demonstrate that the program can be "at least as effective as" the Federal program.

Under the law, each employer must provide a workplace free from recognized hazards. The Occupational Safety and Health Administration (OSHA) of the Department of Labor establishes mandatory standards which require conditions or the use of practices or methods necessary to protect workers on the job. It is the employer's responsibility to become familiar with the standards, to implement them, and to assure that employees have and use personal protective equipment required for safety and health.

As an employee, you have a right

- to a safe and healthful workplace
- to participate in an OSHA inspection of your workplace by bringing to the attention of the OSHA inspector any conditions you believe to be violations of the standards
- to gain access to information about job-related accidents and injuries at your workplace
- to file a workplace complaint with OSHA.

If you believe unsafe or unhealthful conditions exist in your workplace, you or your representative can file a complaint requesting an inspection. If there is a poster about the State safety law at your workplace, your complaint should be filed with the indicated agency. If there is no State poster, the complaint should be filed with OSHA (see page 23 for address). OSHA will withhold names of complainants upon request. If you believe you have been discriminated against in any way for exercising rights under this law, you should file a discrimination complaint with OSHA within 30 days of the discriminatory action.

Compensation for Injuries

If you are injured on the job or contract an occupational disease, you may receive compensation under your State workers' compensation law. In the majority of States, coverage is compulsory, while the remaining States permit "elective coverage." When employers choose not to be subject to the law, they lose the right to use the common law defense in a court case, including fellow employee liability, acceptance of risk, and contributory negligence.

Since this is entirely a State system, the employees covered, the

amount of compensation, the duration of time compensation is paid, and the procedure for making and adjudicating claims vary widely. You should therefore write the director of your State labor department or industrial commission for information (see page 26 for address).

Unemployment Insurance

Unemployment insurance is a weekly benefit paid for a limited time to eligible workers to tide them over between jobs when they are involuntarily unemployed. Federal law establishes certain minimum requirements; however, each State administers its own program, paying benefits out of a fund collected from a special tax on employer payrolls in the State. The Federal Government provides funds for benefits for its laid-off civilians and persons discharged from the Armed Forces.

To be eligible for benefits you must: have worked long enough in covered employment to meet your State's requirements, be involuntarily unemployed, be available for and seeking work, and not refuse a suitable job offer.

Almost all workers are now covered under unemployment insurance. Beginning in 1978, coverage must include: State and local government employees (with some exceptions, such as elected officials, members of the legislature or judiciary, and persons in part-time advisory positions); household workers whose employers pay at least $1,000 a calendar quarter for such workers; and workers on farms where the operator has a payroll of at least $20,000 in a calendar quarter or has 10 or more employees in 20 weeks.

Each State specifies its eligibility requirements and amount of weekly and total benefit payments. The general rule is that the jobless worker receives 50 percent of the average weekly wage formerly received. Most States limit payments to a maximum of 26 weeks. A Federal program provides that, during times of high unemployment, individuals who have exhausted their benefits under State law may continue to receive payments for half as long as their regular entitlement.

Each State sets penalties for disqualifying acts such as a voluntary quit without good cause. Penalties can range from postponement to denial of benefits for the duration of the current period of unemployment. Since January 1978, States cannot deny benefits solely on the basis of pregnancy or recency of pregnancy (pregnant individuals do, however, have to meet generally applicable requirements of seeking work and being available for and able to work).

How Do You Apply for Benefits?—Go to the nearest local unemployment insurance office (listed in the phone directory under the same agency as the Employment Service), regardless of where you worked. You file a claim for unemployment insurance benefits and, in most cases, register for work with the Employment Service. You must con-

tinue to report to the office as required and accept assistance in job-hunting.

What If You Are Denied Benefits?—If you feel you have been unjustly denied benefits, you have the right to appeal the determination. Remember, the employer also has the right to appeal.

Other Unemployment Allowances.—The *Disaster Relief Act* helps people in major natural disaster areas get restarted. In addition to benefits for corporations and communities, it provides disaster unemployment allowances in the form of weekly benefits for eligible individuals whose jobs or earnings are affected by the disaster. Sometimes other emergency legislation is enacted to liberalize benefits temporarily. Contact your local unemployment insurance office to learn if you have an allowance coming.

Under the *Trade Act of 1974*, special help is provided to American workers who are totally or partially unemployed or underemployed because of import competition. In addition to trade readjustment allowances to supplement State unemployment insurance payments, available assistance includes counseling, testing, referral to training and jobs, job search assistance, job relocation assistance, and supportive services. Separated workers who are unable to find suitable jobs comparable to their previous employment within their commuting area are entitled to training in another occupation, along with transportation and subsistence allowances. They are also entitled to job search assistance and allowances, not to exceed $500, and job relocation assistance and allowances of 80 percent of "reasonable and necessary" expenses incurred in moving to another location, plus a lump-sum payment equivalent to three times the worker's average weekly wage, up to a maximum of $500.

Joining or Not Joining a Union

The *National Labor Relations Act*, as amended by the *Labor-Management Relations Act*, provides employees the right to form, join, or assist labor unions; to bargain collectively, through representatives of their own choosing, on wages, hours, and other terms of employment; or to strike to secure better working conditions. Employees are also guaranteed the right to refrain from membership or participation in a union except where such membership is a requirement of employment. In this case, you do not have to be a member of the union to qualify for employment. Usually a grace period of not less than 30 days after employment is allowed. A number of States do not permit labor-management agreements to make union membership a requirement of employment.

Certain labor practices by employers are labeled "unfair" and are prohibited by the Federal act. These include interference with or restraint or coercion of employees in the exercise of the rights described

above; domination of or interference with the formation or administration of a labor organization, or the contribution of financial or other support to it; discrimination in hiring, tenure, or terms or conditions of employment in order to encourage or discourage membership in a labor organization; discharging or discriminating against an employee for filing charges or giving testimony under the act; and refusing to bargain collectively.

The law also defines unfair labor practices prohibited to unions. Unfair practices against workers include restraining or coercing them in the exercise of their rights and requiring them to pay membership or initiation fees that are excessive or that discriminate between members. It is also an unfair practice for a union to cause an employer to discriminate against a worker.

Some types of workers are exempt from the law. These include agricultural laborers, private household workers, independent contractors, supervisors, persons subject to the Railway Labor Act, public employees, and some hospital workers.

For further information write the nearest office of the National Labor Relations Board. Your local post office can supply the address.

The *Labor Management Reporting and Disclosure Act* provides that all union members have equal rights in nominating candidates for union office, voting in union elections and referendums, and participating in membership meetings. Union fees and dues may be raised and assessments imposed only by a majority vote by secret ballot of members in good standing. A copy of the collective bargaining agreement must be available for inspection by all those covered by the agreement.

The Labor-Management Services Administration (LMSA) in the U.S. Department of Labor enforces certain sections of the law. Violation of other sections can be remedied only by a member's bringing a civil action in a Federal district court. Address your questions to LMSA (address on page 23).

When You Retire

Social Security Benefits

Your most valuable asset may be your social security number. It is your key to monthly social security benefits: retirement benefits at age 65 (reduced amounts are payable as early as 62); disability benefits if you become disabled before 65; and survivors' benefits to your children should you die. It is also your key to the protection of medicare.

Approximately 9 out of 10 workers are covered by social security, including household employees and the self-employed. (Most Federal Government employees are covered under a separate system.)

While you are employed, social security contributions are deducted from your wages by your employer, who also pays an equal amount. If you are self-employed, you pay social security contributions on your net earnings when you file your Federal income tax return.

To qualify for benefits, you must have credit for a certain amount of work under social security. Through 1977, most employees got credit for ¼ year of work if they were paid $50 or more in covered wages in a 3-month calendar quarter. Four quarters were counted for any full year in which a person had $400 or more in self-employment income. Effective in 1978, annual reporting of wages, and self-employment, is required. A worker is assigned a quarter of coverage for each $250 earned in a year. Thus the worker is credited with 4 quarters of coverage for earnings of $1,000 or more, regardless of the quarter(s) in which the money is earned. After 1978, the $250 measure will be automatically increased each year, as is the taxable wage base, to reflect increases in average wages. No one is eligible for benefits without 1½ years of work, and no one needs more than 10 years of work to become fully insured.

Cash tips that add up to $20 or more a month in your work for one employer count for social security.

You must apply for benefits. At that time the exact amount of your monthly cash benefit is determined. You may elect to retire at age 62 instead of 65. If you retire before 65, however, your benefits are reduced up to a maximum of 20 percent, to take account of the longer period of time over which you will receive payments. On the other hand, if you delay retirement past 65, you get a special credit. This "bonus" (1 percent a year or 1/12 of 1 percent a month) is added to your retirement benefit for the time you worked and did not get benefits from age 65 to 72. Beginning in 1982, the bonus will increase to an annual rate of 3 percent.

You can continue to work after you start getting retirement benefits. However, for beneficiaries under age 72, $1 of benefits is withheld for each $2 earned over specified amounts, which increase each year. In 1978 the ceilings are $3,240 for retirees under age 65 and $4,000 for those age 65 to 72. Beginning in 1982, the age at which individuals may receive full benefits without regard to their earnings will be lowered from 72 to 70.

If you are entitled to benefits on your own account and your husband is also drawing social security benefits, you get the larger of the amounts payable on your own record or as a "dependent" of your husband.

If your husband dies, you are entitled to widow's benefits. If you are age 65 and entitled to benefits on your account, your benefit will be the larger of the amount payable on your own record and the amount

your deceased husband would have received if he were still living (including any credit he might have earned for continuing to work after age 65 without drawing benefits). You can elect to start drawing widow's benefits as early as age 60, but such benefits are permanently reduced up to a maximum of 28½ percent depending on the number of months until your 65th birthday. As a disabled widow, you can start drawing benefits as early as age 50, provided the disability began no later than 7 years after your husband died or after the end of your entitlement to benefits as a widow with children.

Social security benefits to which you are entitled as a wife or widow may be reduced by the amount of any Federal, State, or local pension payable to you because of your own work in public employment which is not covered under social security. This "offset" provision was added to the law at the end of 1977 but is not scheduled to affect women applicants for social security spouse benefits who will be eligible for a public pension before 1983. However, if the courts rule it is impermissible to deny delayed application also to nondependent male spouses, the reduction is to apply in all cases as of 1978.

A divorced woman can get benefits on her former husband's earnings record when he retires, becomes disabled, or dies, if the marriage lasted 20 years or more. Beginning in 1979, benefits will be payable if the marriage lasted at least 10 years.

Remarriage terminates eligibility for benefits as a widow or a surviving divorced wife, except that the penalty is only a 50 percent reduction for beneficiaries age 60 or over. Beginning in 1979, the 50 percent reduction will no longer apply with respect to remarried widows age 60 or over.

If disabled before age 65, you may be eligible for monthly benefits if your disability prevents you from working and is expected to last 12 months or more. The number of work credits you need to qualify for benefits depends upon your age when you become disabled.

The amount of your monthly disability payment is generally the same as the retirement benefit you would get if you were 65. You must wait 5 full calendar months after a disability starts before benefits are payable. Early application is advisable, however, because the procedure for determining whether you are disabled under the law takes some time. Back payments to those who delay applying are limited to 12 months.

When an insured parent becomes disabled, dies, or gets retirement benefits, the dependent children are eligible for benefits too. Dependent children include unmarried children under 18, unmarried children between 18 and 22 who are full-time students, and unmarried children over 18 who became disabled before 22 and continue to be disabled. Your children can get benefits on your record even if your husband is working.

Medicare is another social security benefit. It is health insurance for people 65 and over who have worked long enough under the social security or railroad retirement programs and for people at any age who have been eligible for 24 months or more to receive monthly cash benefits under those programs because of disability. In addition, people insured under social security who need dialysis treatment or a kidney transplant because of chronic kidney disease are covered. Spouses and children of insured workers may also be eligible if they need kidney dialysis or a transplant. Medicare consists of hospital insurance and medical insurance.

Hospital insurance helps pay for inpatient hospital care, posthospital care in an extended care facility, and certain home health services. Nearly everyone who reached 65 before 1968 is eligible, including those not fully covered for social security benefits. If you reached 65 after 1968 and are not eligible for monthly cash benefits, you need some credit for work under social security to qualify for hospital insurance. The required coverage varies according to the year in which the 65th birthday is reached, and since 1976 (1975 for men) is the same as that needed for "fully insured" status for cash benefits. The program is financed basically from a portion of the social security "contributions" of employers, employees, and self-employed persons. Persons who are age 65 and do not meet coverage requirements can purchase the protection by paying a monthly premium ($63 for the year July 1978 through June 1979) and also enrolling in the medical insurance program.

Medical insurance pays 80 percent of reasonable charges for physicians' services, outpatient hospital services, home health services, and many other services and supplies not covered by hospital insurance. Nearly all people entitled to hospital insurance are automatically enrolled for medical insurance, unless they specifically reject it during their initial enrollment period. You can cancel your medical insurance and then re-enroll only once. Everyone with medical insurance protection must pay a monthly premium (as of July 1978, $8.20, but higher for those who first reject coverage and then decide to enroll).

Remember that you do not have to retire at age 65 in order to have medicare protection. You can get current information about premiums, deductibles, etc., as well as potential retirement benefits, from your local Social Security office.

Pensions

Many workers in the private sector can look forward to pensions to supplement social security benefits in their retirement years. Some of these workers have set up personal plans, but many (an estimated 39 million) are covered by employee pension benefit plans sponsored by their employers, their unions, or their employers and unions jointly. Some of these plans are financed entirely by the employer, while others

are financed in part by employee contributions. There are both defined benefit plans (where the amount of the benefit is fixed but the amount of contributions is not) and defined contribution plans (where the amount of the contributions is fixed but the benefit is not).

In 1974 the *Employee Retirement Income Security Act* (ERISA) was enacted to protect the interests of most workers who participate in private employee pension and welfare benefit plans and their beneficiaries. This complex law is administered by the Department of Labor, the Internal Revenue Service, and a new agency called the Pension Benefit Guaranty Corporation. Some sections set standards on funding and on transactions with plan assets. Other sections set standards on such matters as participation, formulas for accumulating pension credits (benefit accrual), vesting, protection for survivors, and reporting and disclosure.

ERISA does *not* require companies to establish pension plans, nor does it set benefit levels. It does, however, set up an insurance system for certain defined benefit pension plans that terminate without enough money to pay benefits, and *it prohibits discharging a worker in order to avoid paying a pension benefit.* Moreover, for workers who are not participating in a qualified pension, profit-sharing, or similar plan, it authorizes tax deferral on their own contributions toward personal pension plans (called individual retirement accounts or IRA's). For self-employed persons it raises to $7,500 (or 15 percent of earned income, whichever is less) the amount that may be set aside annually in "Keogh plans."

"Company plans"

You are a participant in a pension plan when you become a member of the plan. ERISA provides that you cannot be denied participation in a defined contribution plan because you begin employment late in life, but you can be excluded from a defined benefit plan if you are within 5 years of the plan's normal retirement age. With some exceptions, a pension plan that bases eligibility for participation on age and service cannot deny or postpone your participation *on these grounds* beyond the time you reach age 25 and complete a year of service—or age 25 and 3 years of service if the plan provides full and immediate vesting.

Vesting.—Your accrued benefits are vested when you are given a nonforfeitable right to receive the benefits at retirement, even if you should leave your job before retirement age. Accrued benefits from your own contributions, if any, must be fully and immediately vested. If you are employed under a pension plan at the time of "normal retirement" under the plan, you must be fully vested in all accrued benefits. In order to provide some protection of accrued benefits based on employer contributions for persons who leave a job before retiring, ERISA re-

quires that such benefits be vested at least as fast as one of the following schedules:

- 100 percent after 10 years of service (with no vesting prior to completion of 10 years of service),
- 25 percent after 5 years of service, with 5 percent annual increases for the next 5 years and 10 percent annual increases thereafter,
- 50 percent after 5 years when the sum of your age and years of service equals 45, with 10 percent increases in each of the next 5 years (however, regardless of age, 50 percent vesting after 10 years of service and 10 percent more for each additional year of service).

Periods of service may be disregarded for vesting purposes under certain circumstances (for example, years of service before age 22 under the first two vesting schedules). ERISA has limited the circumstances whereby an interruption in employment results in the loss of pension benefits earned before the interruption. Plans cannot penalize participants for breaks in service that are shorter than 1 year, as defined. The effect of a 1-year break depends on the type of plan, the vesting status of your accrued benefits, and the number of years of break compared with the number of years of your service counted for purposes of vesting before the break.

You can change jobs after you have acquired a vested right to retirement benefits and have your benefits transferred from the pension fund of one employer to that of another, provided the plans allow for it and certain requirements are met. If you receive a lump sum payout of vested benefits because you leave before retirement or because your plan is terminated, you can avoid current taxes by depositing the funds in an individual retirement account, even though you may not otherwise be eligible for one (see page 21). You can also have this sum transferred to a new employer's pension plan should you become a participant, provided the plan allows it and certain other requirements are met.

Survivor Protection.—If you are a participant in a retirement plan that provides benefits in the form of an annuity (that is, you are to receive an income for a specified period of time or for life), your husband may have some protection in the event of your death. Unless you reject this protection in writing, the joint and survivor annuity must be "automatic" at normal retirement age or, providing you retire after you are eligible for the option, at retirement. Your own benefit may be reduced to make a reasonable actuarial adjustment for providing the survivor annuity, which must be at least half the amount taken in the form of a joint and survivor annuity. If you are eligible for early retirement and continue working, your plan may require you to elect the survivor annuity in writing in order to provide this protection while you are working.

Plan Termination Insurance.—ERISA created a federally chartered insurance program to protect the vested pension benefits of employees in certain defined pension benefit plans. The plans must pay annual premiums based on the number of participants. When a covered plan terminates without enough assets to meet its pension obligations, a Government corporation assumes responsibility as trustee for the plan, administering benefit payments, managing plan assets, and satisfying the financial insufficiency—up to statutorily set limits—from its own insurance funds.

Your Right to Information.—It is important that you and your family know the details of your employee pension benefit plan and any employee welfare benefit plan (that is, a plan providing such benefits as medical, surgical, hospital, sickness, disability, death, or vacation benefits; apprenticeship or other training programs; day care centers; scholarship funds; prepaid legal services, etc.). ERISA requires administrators of plans covered by the law to furnish participants and beneficiaries summary descriptions of what the plans provide and how they operate. The summary plan description must be written in a manner to be understood by the average participant and must be sufficiently accurate and comprehensive to reasonably advise the participant of rights and obligations.

As a plan participant, you are entitled to receive a summary of the annual financial report. You are also entitled upon written request (but not more than once in a 12-month period) to a statement indicating total benefits you have accrued and the nonforfeitable benefits, if any, you have accrued or the earliest date on which your accrued benefits will become nonforfeitable. ERISA requires some documents to be furnished automatically, some to be furnished upon request (free or for a reasonable charge), and some to be made available at the principal office of the administrator and other places.

Further information about your rights as a pension plan participant and on protection in the event of plan termination may be obtained, respectively, from the Labor-Management Services Administration of the U.S. Department of Labor and from the Pension Benefit Guaranty Corporation (see page 23).

Personal plans

Self-employed individuals are permitted to put aside a portion of their earned income each year, on a tax-deferred basis, into a fund that can earn tax-free income until it starts paying out at retirement. The contribution limit for these "Keogh plans" is 15 percent of earned income or $7,500, whichever is less.

If you are working and are not an "active participant" during the year in a tax-qualified corporate plan, tax-deferred annuity program, Keogh plan, or governmental retirement plan, you can set up a personal plan by making contributions to an individual retirement ac-

count (IRA). You can also contribute for a nonemployed husband. The amount you set aside for an IRA may be as much as 15 percent of your compensation—up to a limit of $1,500 a year (or $1,750 if for yourself and your nonemployed spouse). Of course, if both you and your husband are eligible, you can each set aside 15 percent of compensation, up to $1,500 annually, in separate IRA's.

You do not have to pay Federal income taxes on contributions to and earnings of an IRA until they are withdrawn as retirement benefits. You must begin drawing benefits no later than age 70½. Generally you are subject to a tax penalty if you begin withdrawing before age 59½.

Funds in IRA's must be invested in one of three ways: special retirement annuities that do not begin paying out until a specified age after 59½, a special type of U.S. Treasury bond, or a trust administered by a bank or other approved institution. You may establish more than one IRA, either within a single year or over a period of years, as long as the combined contributions do not exceed the annual limits. Your separate IRA's may be in different investment forms. You are permitted, no more often than once every year, to withdraw funds from an IRA and, within 60 days, transfer them tax-free to another IRA. Tax-free "rollovers" are also permitted from an IRA to a qualified plan and from a qualified plan to an IRA (the annual limits do not apply to an IRA established from the lump sum payout of vested benefits you receive because you left a job before retirement or because your plan was terminated).

You can get tax information on self-employed retirement plans and IRA's from a local Internal Revenue Service office or from IRS headquarters (see page 23). You can get a "Buyer's Guide" on IRA's and advice on evaluating the economic desirability of establishing an IRA from, respectively, the Federal Trade Commission and the Pension Benefit Guaranty Corporation (see page 23).

Sources of Assistance

Federal Agencies

National Offices

U.S. Equal Employment Opportunity Commission
Washington, D.C. 20506

Office for Civil Rights
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

Social Security Administration
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

Internal Revenue Service
U.S. Department of the Treasury
Washington, D.C. 20224

Office of Revenue Sharing
U.S. Department of the Treasury
Washington, D.C. 20226

Federal Trade Commission
Washington, D.C. 20580

Pension Benefit Guaranty Corp.
2020 K Street NW.
Washington, D.C. 20006

Labor-Management Services Administration
U.S. Department of Labor
Washington, D.C. 20216

Occupational Safety and Health Administration
U.S. Department of Labor
Washington, D.C. 20210

Office of Federal Contract Compliance Programs
Employment Standards Administration
U.S. Department of Labor
Washington, D.C. 20210

Women's Bureau
Office of the Secretary
U.S. Department of Labor
Washington, D.C. 20210

Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
Washington, D.C. 20210

(See also list of field offices below)

Inquiries about [illegible] inistered by the Wage and Hour Division should be addressed to the nearest office. Consult the list below. Offices shown in italics are staffed by investigative personnel whose duties frequently require them to be away from the office. Telephone messages and requests for information may be left at these offices when investigators are not on duty at the office. Personal appointments may be made by either telephone or mail.

Alabama: *Anniston*, Birmingham, *Dothan*, *Florence*, *Gadsden*, *Huntsville*, Mobile, Montgomery, *Opelika*, *Selma*, *Tuscaloosa*

Alaska: *Anchorage*

Arizona: Phoenix, *Tucson*

Arkansas: *El Dorado*, *Fayetteville*, *Fort Smith*, *Hope*, *Jonesboro*, Little Rock, *Pine Bluff*

California: *Fresno*, Glendale, *Long Beach*, Los Angeles, *Modesto*, *Monterey*, *Oakland*, *Oxnard*, *Pasadena*, Sacramento, *San Bernardino*, *San Diego*, San Francisco, *San Jose*, Santa Ana, *Santa Rosa*, *Stockton*

Colorado: *Colorado Springs*, Denver, *Ft. Collins*, *Grand Junction*, *Pueblo*

Connecticut: *Bridgeport*, Hartford, *New Haven*, *New London*

Delaware: *Dover*, *Wilmington*

District of Columbia: *Hyattsville* (Md.)

Florida: *Clearwater*, *Cocoa Beach*, *Daytona Beach*, Fort Lauderdale, *Fort Myers*, *Gainesville*, *Homestead*, Jacksonville, *Lakeland*, *Leesburg*, *Melborne*, Miami, Orlando, *Panama City*, *Pensacola*, *St. Petersburg*, *Sarasota*, *Tallahassee*, Tampa, *West Palm Beach*

Georgia: *Albany*, *Athens*, Atlanta, *Augusta*, *Brunswick*, Columbus, *Gainesville*, *Macon*, *Marietta*, *Rome*, Savannah, *Thomasville*, *Waycross*

Hawaii: Honolulu

Idaho: *Boise*

Illinois: *Arthur*, *Belleville*, Chicago, *Elgin*, *Geneva*, *Marion*, *Peoria*, *Rockford*, *Rock Island*, Springfield

Indiana: *Anderson*, *Evansville*, *Fort Wayne*, *Gary*, Indianapolis, *Lafayette*, *New Albany*, *Richmond*, *South Bend*, *Terre Haute*

Iowa: *Burlington*, *Cedar Rapids*, *Davenport*, Des Moines, *Sioux City*, *Waterloo*

Kansas: *Pittsburg*, *Salina*, *Topeka*, Wichita

Kentucky: *Ashland*, *Bowling Green*, *Elizabethtown*, Lexington, Louisville, *Middlesboro*, *Owensboro*

Lousiana: *Alexandria*, Baton Rouge, *Hammond*, *Lafayette*, *Lake Charles*, *Monroe*, New Orleans, *Shreveport*

Maine: *Bangor*, Portland

Maryland: Baltimore, *Hagerstown*, Hyattsville, *Salisbury*

Massachusetts: Boston, *Haverhill*, *Hyannis*, *Lowell*, *New Bedford*, Springfield, *Taunton*, *Worcester*

Michigan. *Ann Arbor*, Detroit, *Escanaba, Flint*, Grand Rapids, *Jackson, Kalamazoo, Lansing, Pontiac, Port Huron, Saginaw, Traverse City*, Troy

Minnesota: *Brainerd, Duluth, Fergus Falls, Mankato*, Minneapolis, *St. Paul*

Mississippi: *Biloxi, Columbus, Greenville, Greenwood, Hattiesburg*, Jackson, *Meridian, Tupelo*

Missouri: *Cape Girardeau, Jefferson City, Joplin*, Kansas City, St. Louis, *Springfield*

Montana: *Billings, Great Falls, Missoula*

Nebraska: *Grand Island, Lincoln*, Omaha

Nevada: *Las Vegas, Reno*

New Hampshire: *Manchester, Laconia*

New Jersey: *Camden*, Newark, *Paterson*, Trenton

New Mexico: Albuquerque, *Las Cruces*

New York: Albany, Bronx, Brooklyn, Hempstead, *Hudson Falls, Newburgh*, New York, *Poughkeepsie*, Rochester, *Syracuse*

North Carolina: *Asheville*, Charlotte, *Durham, Fayetteville*, Gastonia, *Goldsboro, Greenville*, Greensboro, *Hickory, High Point, New Bern*, Raleigh, *Salisbury, Wilmington, Winston-Salem*

North Dakota: *Bismarck, Fargo*

Ohio: Akron, *Ashtabula, Athens, Cambridge, Canton*, Cincinnati, Cleveland, Columbus, *Dayton, Lima, Mansfield, Middletown, Springfield, Toledo, Youngstown*

Oklahoma: *Ardmore, Enid, Lawton, Muskogee*, Oklahoma City, Tulsa

Oregon: *Eugene, Medford*, Portland, *Salem*

Pennsylvania: *Allentown, Altoona, Chester, DuBois, Erie, Greensburg*, Harrisburg, *Hazleton, Indiana, Johnstown, Lancaster, Lewistown, McKeesport, New Castle*, Philadelphia, Pittsburgh, *Reading, Scranton, Uniontown, Washington*, Wilkes Barre, *Williamsport, York*

Rhode Island: Providence

South Carolina: *Charleston*, Columbia, *Florence, Greenville, Spartanburg*

South Dakota: *Rapid City, Sioux Falls*

Tennessee: *Bristol, Chattanooga, Columbia, Harriman, Jackson, Johnson City*, Knoxville, Memphis, Nashville, *Union City*

Texas: *Abilene, Amarillo, Austin, Beaumont, Brownsville, Bryan*, Corpus Christi, Dallas, El Paso, Fort Worth, *Galveston, Harlingen*, Houston, *Laredo, Longview, Lubbock, Lufkin, McAllen, Midland, San Angelo*, San Antonio, *Sherman, Texarkana, Tyler, Victoria*, Waco, *Wichita Falls*

Utah: *Ogden, Provo*, Salt Lake City

Vermont: *Burlington, Montpelier*

Virginia: *Falls Church, Lynchburg, Norfolk*, Richmond, Roanoke, *Waynesboro, Winchester*

Washington: *Everett*, Seattle, *Spokane, Tacoma, Yakima*

West Virgina: *Beckley, Bridgeport*, Charleston, *Huntington, Parkersburg, Wheeling*

Wisconsin: *Eau Claire, Green Bay, La Crosse,* Madison, Milwaukee, *Oshkosh, Racine, Sheboygan, Wausau*

Wyoming: *Casper*

Puerto Rico: *Arecibo,* Hato Rey, Mayaguez, *Ponce*

Virgin Islands: *St. Thomas*

State Agencies

Labor Departments and Human Rights Commissions

Alabama: *Department of Industrial Relations,* Industrial Relations Building, Montgomery, 36130

Alaska: *Department of Labor,* P.O. Box 1149, Juneau, 99811.
Alaska State Commission for Human Rights, Suite 213, 204 East Fifth Avenue, Anchorage, 99501

Arizona: *Industrial Commission,* 1601 West Jefferson Street, Phoenix, 85007.
Civil Rights Division, 1645 West Jefferson, Phoenix, 85007

Arkansas: *Department of Labor,* Capitol Hill Building, Little Rock, 72201

California: *Department of Industrial Relations,* 455 Golden Gate Avenue, San Francisco, 94101 (Includes *Division of Fair Employment Practices*)

Colorado: *Department of Labor and Employment,* 251 East 12th Avenue, Denver, 80203. *Colorado Civil Rights Commission,* State Services Building, 1525 Sherman Street, Denver, 80203

Connecticut: *Labor Department* 200 Folly Brook Boulevard, Wethersfield, 06109. *Commission on Human Rights and Opportunities,* 90 Washington Street, Hartford, 06115

Delaware: *Department of Labor,* University Plaza, Route 273, Newark, 19702. (Includes *Anti-Discrimination Section,* 618 North Union Street, Wilmington, 19805)

District of Columbia: *Minimum Wage and Industrial Safety Board,* Room 615, 614 H Street NW., Washington, D.C. 20001. *Office of Human Rights,* District Building, 14th and E Streets, NW., Washington, D.C. 20004

Florida: *Division of Labor,* Ashley Building, Tallahassee, 32301. *Commission on Human Relations,* 2571 Executive Center Circle, East, Tallahassee, 23201

Georgia: *Department of Labor,* State Labor Building, Atlanta, 30334

Guam: *Department of Labor,* Government of Guam, P.O. Box 2950, Agana, 96910

Hawaii: *Department of Labor and Industrial Relations,* 825 Mililani Street, Honolulu, 96813

Idaho: *Department of Labor and Industrial Services,* Industrial Administration Building, 317 Main Street, Boise, 83720. *Commission on Human Rights,* 506 North Fifth, Boise, 83720

Illinois: *Department of Labor,* 910 South Michigan Avenue, Chicago, 60605. *Fair Employment Practices Commission,* 179 West Washington Street, Chicago, 60602

Indiana: *Division of Labor,* 1013 State Office Building, Indianapolis, 46204. *Civil Rights Commission,* 311 West Washington Street, Indianapolis, 46204

Iowa: *Bureau of Labor,* Capitol Complex, Des Moines, 50319.
Iowa Civil Rights Commission, 418 Sixth Avenue, Des Moines, 50319

Kansas: *Department of Human Resources,* 401 Topeka Avenue, Topeka, 66603. *Commission on Civil Rights,* 535 Kansas Avenue, Topeka, 66603.

Kentucky: *Department of Labor,* Capital Plaza Tower, Frankfort, 40601. *Human Rights Commission,* Capital Plaza Tower, Frankfort, 40601

Louisiana: *Department of Labor,* 1045 State Land and Natural Resources Building, Baton Rouge, 70804

Maine: *Bureau of Labor,* State House, Augusta, 04333. *Maine Human Rights Commission,* 31 Western Avenue, Augusta, 04330

Maryland: *Division of Labor and Industry,* 203 East Baltimore Street, Baltimore, 21202. *Commission on Human Relations,* Suite 300, Metro Plaza at Mondawmin, Baltimore, 21215

Massachusetts: *Department of Labor and Industries,* Saltonstall Office Building, Government Center, 100 Cambridge Street, Boston, 02202. *Commission Against Discrimination,* 1 Ashburton Place, Boston, 02108

Michigan: *Department of Labor,* 309 North Washington Avenue, Lansing, 48933 *Department of Civil Rights,* Stoddard Building, Lansing, 48913

Minnesota: *Department of Labor and Industry,* Space Center, 5th Floor, 444 Lafayette Road, St. Paul, 55101. *Department of Human Rights,* 240 Bremer Building, St. Paul. 55101

Mississippi: *Employment Security Commission,* 1520 West Capitol, Jackson, 39205

Missouri: *Department of Labor and Industrial Relations,* 1904 Missouri Boulevard, Jefferson City, 65101. *Missouri Commission on Human Rights,* 314 East High, Jefferson City, 65101

Montana: *Department of Labor and Industry,* 35 South Last Chance Gulch, Helena, 59601 (Includes *Human Rights Division*)

Nebraska: *Department of Labor,* 550 South 16th Street, Lincoln, 68509. *Equal Opportunity Commission,* 301 Centennial Mall, South, Lincoln, 68509

Nevada: *Department of Labor,* Room 601, 505 East King Street, Carson City, 89701. *Equal Rights Commission,* 1515 East Tropicana Avenue, Las Vegas, 89158

New Hampshire: *Department of Labor,* 1 Pillsbury Street, Concord, 03301. *New Hampshire Commission for Human Rights,* 66 South Street, Concord, 03301

New Jersey: *Department of Labor and Industry,* Labor and Industry Building, John Fitch Plaza, Trenton, 08625. *Division on Civil Rights,* 436 East State Street, Trenton, 08608, and 1100 Raymond Boulevard, Newark, 07102

New Mexico: *Human Services Department,* Pera Building, Santa Fe, 87503, *Human Rights Commission,* Pera Building, Santa Fe, 87503

New York: *Department of Labor,* State Campus, Albany, 12201. *Division of Human Rights,* Two World Trade Center, New York City, 10047

North Carolina: *Department of Labor,* Labor Building, Raleigh, 27601

North Dakota: *Department of Labor,* State Capitol, Bismarck, 58501

Ohio: *Department of Industrial Relations,* 2323 West Fifth Avenue, Columbus, 43215. *Civil Rights Commission,* 220 Parsons Avenue, Columbus, 43215

Oklahoma: *Department of Labor*, State Capitol, Oklahoma City, 73105. *Human Rights Commission*, Room G-11, Jim Thorpe Building, Oklahoma City, 73105

Oregon: *Bureau of Labor*, 1400 S.W. Fifth Avenue, Portland, 97201 (Includes *Civil Rights Division*)

Pennsylvania: *Department of Labor and Industry*, Labor and Industry Building, Harrisburg, 17120. *Pennsylvania Human Relations Commission*, 100 North Cameron Street, Harrisburg, 17101

Puerto Rico: *Department of Labor*, 414 Barbosa Avenue, Hato Rey, 00917

Rhode Island: *Department of Labor*, 235 Promenade Street, Providence, 02908. *Commission for Human Rights*, 334 Westminster Mall, Providence, 02903

South Carolina: *Department of Labor*, 3600 Forest Drive, Columbia, 29211. *State Human Affairs Commission*, 1111 Belleview Street, Columbia, 29211

South Dakota: *Division of Labor and Management Relations*, Foss Building, Pierre, 57501. *State Commission on Human Rights*, State Capitol, Pierre, 57501

Tennessee: *Department of Labor*, 501 Union Building, Nashville, 37219. *Human Development Commission*, 536 Cordell Hull Building, Nashville, 37219

Texas: *Department of Labor and Standards*, Box 12157, Capitol Station, Austin, 78711

Utah: *Industrial Commission*, 350 East 500 South, Salt Lake City, 84111 (Includes *Anti-Discrimination Division*)

Vermont: *Department of Labor and Industry*, State Office Building, Montpelier, 05602

Virginia: *Department of Labor and Industry*, Fourth and Grace Streets, Richmond, 23219

Virgin Islands: *Department of Labor*, P.O. Box 890, Christiansted, St. Croix, 00820

Washington: *Department of Labor and Industries*, General Administration Building, Olympia, 98054. *Washington State Human Rights Commission*, 1601 Second Avenue, Seattle, 98101

West Virginia: *Department of Labor*, Capitol Complex, 1900 Washington Street, East, Charleston, 25305. *State Human Rights Commission*, 215 Professional Building, Charleston, 25301

Wisconsin: *Department of Industry, Labor and Human Relations*, 201 East Washington Avenue, Madison, 53701 (Includes *Equal Rights Division*)

Wyoming: *Department of Labor and Statistics*, Barrett Building, Cheyenne, 82001 (Includes *Fair Employment Practices Commission*)

SAMPLE COMPLAINT FORM

Form Approved
Budget Bureau No. 44-R0504

U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION WAGE AND HOUR DIVISION	EMPLOYMENT INFORMATION FORM

This report is authorized by Section 11 of the Fair Labor Standards Act. While you are not required to respond, submission of this information is necessary for the Division to schedule any compliance action. Information received by this Office will be treated confidentially.

1. PERSON SUBMITTING INFORMATION

A. Name (Print first name, middle initial, and last name)
Mr.
Miss
Mrs.

B. Date

C. Telephone number
(Or No. where you can be reached)

D. Address: (Number, Street, Apt. No.)

(City, County, State, ZIP Code)

E. Check one of these boxes
☐ Present employee of establishment ☐ Former employee of establishment ☐ Job Applicant ☐ Other _____
(Specify: relative, union, etc.)

2. ESTABLISHMENT INFORMATION

A. Name of establishment

B. Telephone Number

C. Address of establishment: (Number, Street)

(City, County, State, ZIP Code)

D. Estimate number of employees

E. Does the firm have branches? ☐ Yes ☐ No ☐ Don't know
If "Yes", name one or two locations: _____

F. Nature of establishment's business: (For example, school, farm, hospital, hotel, restaurant, shoe store, wholesale drugs, manufactures stoves, coal mine, construction, trucking, etc.)

G. If the establishment has a Federal Government or federally assisted contract, check the appropriate box(es):
☐ Furnishes goods ☐ Furnishes services ☐ Performs construction

H. Does establishment ship goods to or receive goods from other States?
☐ Yes ☐ No ☐ Don't know

3. EMPLOYMENT INFORMATION

(Complete A, B, C, D, E, & F if present or former employee of establishment; otherwise complete F only)

A. Period employed (month, year)
From _____
To: _____
(If still there, state present)

B. Date of birth if under 19 or if information concerns age discrimination
Month _____ Day _____ Year _____

C. Give your job title and describe briefly the kind of work you do

(Continue on other side)

Form WH-3 (Rev. Apr. 1977)

SAMPLE COMPLAINT FORM

D. Method of payment

$_____ per _____
(Rate) (Hour, week, month, etc.)

E. Enter in the boxes below the hours you usually work each day and each week (less time off for meals)

M	T	W	T	F	S	S	TOTAL

F. CHECK THE APPROPRIATE BOX(ES) AND EXPLAIN BRIEFLY IN THE SPACE BELOW the employment practices which you believe violate the Wage and Hour laws. (If you need more space use an additional sheet of paper and attach it to this form.)

- ☐ Does not pay the minimum wage
- ☐ Does not pay proper overtime
- ☐ Men and women perform equal work but do not get equal pay
- ☐ Discrimination against employee or applicant (40-65 years of age) because of age

  Approximate date of alleged discrimination _____
- ☐ Does not pay prevailing wage determination for Federal Government or federally assisted contract
- ☐ Discharged employee because of wage garnishment (explain below)
- ☐ Excessive deduction from wages because of wage garnishment, explain below)
- ☐ Employs minors under minimum age for job
- ☐ Other (explain below)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(NOTE: If you think it would be difficult for us to locate the establishment or where you live, give directions or attach map.)

COMPLAINT TAKEN BY

_____

_____

SAMPLE COMPLAINT FORM

(PLEASE PRINT OR TYPE)

CHARGE OF DISCRIMINATION

(This form affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing it.)

(See Notice of Non-retaliation on reverse)

APPROVED BY GAO
B-180541 (R0445)
Expires 5-31-80

INSTRUCTIONS

If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's District Office in your area. In most cases, a charge must be filed with the EEOC within 180 days after the discriminatory act took place. IT IS IMPORTANT THEREFORE TO FILE YOUR CHARGE AS SOON AS POSSIBLE.

CAUSE OF DISCRIMINATION

☐ RACE ☐ COLOR ☐ SEX
☐ RELIGION ☐ NATIONAL ORIGIN

NAME (Indicate Mr. or Ms.)

TELEPHONE NO. (Include area code)
HOME

STREET ADDRESS COUNTY

WORK (If possible to call you there)

CITY, STATE AND ZIP CODE

THE FOLLOWING PERSON ALWAYS KNOWS WHERE TO CONTACT ME

NAME (Indicate Mr. or Ms.)

TELEPHONE NO. (Include area code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

LIST THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST YOU. (If more than one, list all)

NAME

TELEPHONE NO. (Include area code)

EEOC CHARGE NO. 1 (EEOC use only)

STREET ADDRESS

CITY, STATE, AND ZIP CODE

OTHERS WHO DISCRIMINATED AGAINST YOU (If any) e.g. **UNION, EMPLOYMENT AGENCY**

NAME

TELEPHONE NO. (Include area code)

EEOC CHARGE NO. 2 (EEOC use only)

STREET ADDRESS

CITY, STATE, AND ZIP CODE

CHARGE FILED WITH STATE OR LOCAL GOVERNMENT AGENCY ☐ YES ☐ NO

STATE OR LOCAL AGENCY (Name and address)

DATE FILED

APPROXIMATE NO. EMPLOYED BY THE COMPANY, MEMBERS IN THE UNION THIS CHARGE IS FILED AGAINST

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, and year)

Explain what unfair thing was done to you and how other person(s) were treated differently. (Attach extra sheet(s) of paper if necessary.)
Understanding that this statement is for the use of the United States Equal Employment Opportunity Commission and that pursuant to 29 C.F.R. Section 1601.11 this charge may be later amended to correct any technical defects or omissions, I hereby certify:

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

DATE

CHARGING PARTY (Signature)

Subscribed and sworn to before this EEOC representative.

DATE

SIGNATURE AND TITLE

NOTARY PUBLIC

NOTARY PUBLIC SIGNATURE (If it is impossible for you to get a Notary Public to sign this, sign your name and mail the form to the District Office.)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month and year)

EEOC FORM 5 (MAY 77) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND SHOULD NOT BE USED

SAMPLE COMPLAINT FORM

NOTICE OF NON-RETALIATION REQUIREMENT

Section 704(a) of the Civil Rights Act of 1964, as amended, states:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

Persons filing charges of employment discrimination are advised of this Non-Retaliation Requirement and are instructed to notify the Equal Employment Opportunity Commission if any attempt at retaliation is made.

PRIVACY ACT STATEMENT
(This form is covered by the Privacy Act of 1974, Public Law 93-579
Authority for requesting and uses of the personal data are given below.)

1. FORM NUMBER/TITLE/DATE
EEOC Form 5, Charge of Discrimination, May 77.

2. AUTHORITY
42 USC 2000e 5(b)

3. PRINCIPAL PURPOSE(S) The purpose of the charge, whether recorded initially on Form 5 or abstracted from a letter, is to invoke the Commission's jurisdiction.

4. ROUTINE USES. This form is used to determine the existence of facts which substantiate the Commission's jurisdiction to investigate, determine, conciliate and litigate charges of unlawful employment practices. It is also used to record information sufficient to maintain contact with the Charging Party and to direct the Commission's investigatory activity. A copy of the charge will be served upon the person against whom the charge is made.

5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Charges must be in writing, under oath or affirmation, setting forth the facts which give rise to the charge of employment discrimination and be signed by or on behalf of a person claiming to be aggrieved. However, use of EEOC Form 5 is not mandatory. Technical defects or omissions may be cured by amendment.

* GPO : 1978 O - 273-317